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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,231	12/20/1999	TOSHIHIKO MUNETSUGU	32161	2093

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EXAMINER	
NGUYEN, MAIKHANH	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/467,231	MUNETSUGU ET AL.	
	Examiner	Art Unit	
	Maikhanh Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *55-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *55-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed 08/26/2004 to the original application filed 12/20/1999.

2. Claims 55-82 are currently pending in this application. Claims 1-54 have been cancelled. Claims 55, 61, 67, and 75 are independent claims.

Request Continuation for Examination

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/26/2004 has been entered.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Correction is required.

5. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re van Ornurn, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 55 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application No. 10/733,981. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 55 of the instant application and claim 1 of co-pending application 10/733,981 are both claiming: *inputting content description data describing plurality of segments in which each of said plurality of segments represents a scene of media content constituted by a plurality of scenes, and scores that are attribute information of the media content representing degree of relative importance of each of said plurality of segments the*

media content; and selection means for selecting one of said plurality of segments based on the scores.

As to the remaining claims 56-82, they are also rejected under obvious type double patenting as stated in claim 55 above.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 55, 57-61, 63-67, 69-75, and 77-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** (U.S. 5,664,227, issued 09/1997), in view of **Wilcox et al.** "Annotation and Segmentation for Multimedia Indexing and Retrieval", issued 01/1998.

As to independent claim 61, Mauldin teaches a data processing apparatus comprising:

- inputting content description data describing plurality of segments in which each of said plurality of segments represents a scene of media content constituted by a plurality of scenes *(e.g., the video data 20 is input into an image process function ...then segmenting that digitalized video data into paragraph based on content; col.5, lines 16-29);* and

- selection means for selecting one of said plurality of segments (e.g., *selecting representative frames from each of the video segments; col.3, lines 21-31/ the selection of video segments; col.5, lines 10-15).*

Mauldin does not specially teach "inputting scores that are attribute information of the media content representing degree of relative importance of each of said plurality of segments based on context of the media content."

Wilcox teaches inputting scores that are attribute information of the media content representing degree of relative importance of each of said plurality of segments based on context of the media content *(e.g., Retrieval is performed by computing a score for each segment ... a list of segments ordered by their scores, where the higher scoring segments should be relevant to the query ... user can then review the segments in order and select the appropriate ones; page 5, right column, second full paragraph).*

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Wilcox in the system of Mauldin because it would have provided the capability for arranging the order of the video segments a way that allows users to select, more efficiently, the desired segments for reviewing.

As to dependent claim 63, Mauldin teaches the content description data includes supplemental information *(col.5, lines 31-44).*

As to dependent claim 64, Mauldin teaches the media content corresponds to video data and/or audio data *(Fig. 2, video data 20 & audio data 18).*

As to dependent claim 65, Mauldin teaches each of the plurality of segments is provided with linkage information for linking to dominant data that presents the segment *(col.5, lines 31-44).*

As to dependent claim 66, Mauldin teaches the dominant data is text data, image data and/or audio data *(col.4, lines 53-67).*

As to independent claim 55, it is directed to a data processing apparatus for performing the method of claim 61, and is similarly rejected under the same rationale.

As to dependent claims 57-60, they include the same limitations as in claims 63-66, and are similarly rejected under the same rationale.

As to independent claim 75, the rejection of independent claim 61 above is incorporated herein in full. Additionally, claim 75 further recites "a plurality of scenes that are marked off by time according to scene boundary, and inputting scores that are attribute information of the media content presenting time information describing scene boundaries."

Mauldin teaches a plurality of scenes that are marked off by time according to scene boundary *(e.g., to identify segment boundaries, the image processing function 231 locates beginning and end points for each shot, scene, conversation, or the like by applying machine vision methods the interpret image sequences; col.5, lines 16-29).*

Mauldin does not specially teach "inputting scores that are attribute information of the media content".

Note the discussion of claim 55 above for rejection of "inputting scores that are attribute information of the media content."

As to dependent claims 77-80, they include the same limitations as in claims 63-66, and are similarly rejected under the same rationale.

As to dependent claims 81-82, Mauldin teaches the time information includes a starting time and ending time of each the plurality of scenes *(e.g., scenes begin and end; col.8, lines 45-58 / time stamp 233 & 229 in Fig.2).*

As to independent claim 67, the rejection of independent claim 75 above is incorporated herein in full.

As to dependent claims 69-74, they include the same limitations as in claims 77-82, and are similarly rejected under the same rationale.

8. Claims 56, 62, 68, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** in view of **Wilcox et al.** "Annotation and Segmentation for Multimedia Indexing and Retrieval" and further in view of **Ozsoyoglu et al.** "Automating the Assembly of Presentation from Multimedia Databases", issued 1996.

As to dependent claims 56, 62, 68 and 76, the combination of Mauldin and Wilcox does not teach "the plurality of segments are hierarchically described."

Ozsoyoglu teaches the plurality of segments are hierarchically described *(e.g., each segment in the multimedia is denoted by a node; page 595, left column & Figs.3.1 & 3.2).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ozsoyoglu's teachings in the system of Mauldin as modified by Wilcox because it would have provided capability for organizing the segmentation of multimedia contents in the system.

Response to Arguments

9. Applicants' arguments with respect to claims 55-82 have been fully considered but they are not persuasive.

Applicant argues: "Regarding claims 55, 61, 67, and 75, neither Mauldin, Wilcox, nor Ozsoyoglu teaches or suggest inputting scores that are attribute information of the media content presenting degree of relative importance of each of the plurality of segments based on context of the media content." (Remarks, page 7, last full paragraph)

In response, Mauldin and Ozsoyoglu are not used to teach this limitation. Wilcox's teachings "*Retrieval is performed by computing a score for each segment ... a list of segments ordered by their scores, where the higher scoring segments should be relevant to the query ... user can then review the segments in order and select the appropriate ones; page 5, right column, second full paragraph*" meets "inputting scores that are attribute information of the media content presenting degree of relative importance of each of the plurality of segments based on context of the media content" as claimed by Applicant.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. After mid-October, 2004, the examiner can be reached at (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (703) 305-9792.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
September 16, 2004

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER